

**ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON**

**CLASS. NO. 1200
DELEGATION NO. 2-51**

DELEGATION OF AUTHORITY

DATE: 5/21/2009

CLEAN WATER ACT

2-51. Class I Administrative Penalty Actions

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 2-51 issued by EPA Headquarters on May 11, 1994.

B. Authority. To:

- (1) act as the complainant in a Class I administrative penalty action under the Clean Water Act (CWA);
- (2) conduct proceedings, recommend the form of final Agency action, issue subpoenas and perform all the presiding officers functions set forth in applicable Agency guidance or regulations governing the administration of Class I administrative penalty actions under the CWA;
- (3) issue an order on consent between the Agency and a respondent resulting from the initiation of a Class I administrative penalty action under the CWA.

2. TO WHOM DELEGATED.

- A. The authority to perform the functions in 1.B.(1) and 1.B.(3) are delegated to the Director, Office of Environmental Stewardship (OES).
- B. The Director, OES, further redelegates the functions in 1.B.(1) and 1.B.(3) to the Manager, Legal Enforcement Office, for cases initiated under Section 309(g) and 311.
- C. The authority to perform the function in 1.B.(2) is delegated to the Regional Judicial Officer.

3. REDELEGATION AUTHORITY. This authority may not be redelegated.

4. LIMITATIONS.

- A. This authority will be exercised in cases initiated by Region I.
- B. Before performing the functions in 1.B.(1) and 1.B.(3), the Manager, Legal Enforcement Office, OES, shall consult with the Manager, Regulatory Legal Unit, OES, or his/her designee.
- C. Before performing the functions in 1.B.(1) and 1.B.(3), the Manager, Legal Enforcement Office, OES, shall consult with the Regional Counsel, or his/her designee, on significant counseling issues.

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2-51. Class I Administrative Penalty Actions (cont'd)

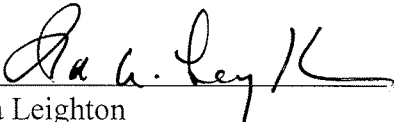
5. ADDITIONAL REFERENCES.


A. Section 309 of the Clean Water Act, 33 U.S.C. Section 1319, as amended by the Water Quality Act of 1987.

B. Section 311 of the Clean Water Act, 33 U.S.C. Section 1-321, as amended by the Oil Pollution Act of 1990.

C. Agency guidance or regulations governing Class I administrative penalty actions under the Clean Water Act.

6. SUPERSESSSION. Region I Delegation 2-51, dated November 6, 2000.


Ira Leighton
Acting Regional Administrator


Susan Studlien, Director
Office of Environmental Stewardship

5/21/09
Date

05/01/09
Date